

### IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1. (**currently amended**) A negative electrode active material comprising:  
a composition A-B-C containing a first element A, a second element B, and a third element C,  
wherein,  
the first element A is copper or iron;  
the second element B is silicon ~~or tin~~;  
the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and  
the composition A-B-C contains 5 to 40% by weight of the second element B and contains 1 to 50% by weight of the third element C.

Claim 2. (Original) A negative electrode active material according to Claim 1, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 3. (Canceled)

Claim 4. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C has low crystallinity.

Claim 5. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C is amorphous.

Claim 6. (**currently amended**) A nonaqueous electrolyte battery comprising:  
a positive electrode containing a positive electrode active material;  
a negative electrode containing a negative electrode active material; and  
a nonaqueous electrolyte,  
wherein,

the negative electrode active material contains a composition A-B-C having a first element A, a second element B, and a third element C;

the first element **A** is copper or iron, the second element B is silicon ~~or tin~~, and the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of second element B and containing 1 to 50% by weight of third element C.

Claim 7. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 8. (Canceled)

Claim 9. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

Claim 10. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

Claim 11. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

Claim 12. (Original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.

Claim 13. (**canceled**)

Claim 14. (Previously presented) A negative electrode active material according to Claim 1, wherein the third element C is at least two selected from the group consisting of indium, antimony, bismuth, and lead.

Claim 15. (Previously presented) A negative electrode active material according to Claim 1, wherein a total amount of the second element B and the third element C is 80% by weight or less.

Claim 16. (Previously presented) A negative electrode active material according to Claim 15, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 17. (Previously presented) A negative electrode active material according to Claim 15, wherein a total amount of the second element B and the third element C is 70% by weight or less.

Claim 18. (Previously presented) A negative electrode active material according to Claim 17, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 19. (Previously presented) A negative electrode active material according to Claim 17, wherein a total amount of the second element B and the third element C is 50% by weight or less.

Claim 20. (**canceled**)

Claim 21. (**new**) **A negative electrode active material according to Claim 1, wherein the composition is 45Fe-35Si-20In.**

Claim 22. (**new**) **A negative electrode active material according to Claim 14, wherein the composition is 70Cu-15Si-10In-5Sb.**

Claim 23. (**new**) **A negative electrode active material according to Claim 10, wherein the amorphous composition has a half width of 0.5 degrees (2 $\theta$ ) or more and a broad peak between 30 and 60 degrees (2 $\theta$ ) in an X-ray diffraction pattern.**